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EXAMINER
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GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/760,061

Applicant(s)

WALSKY, JOSHUA P.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 35-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 35-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/16/05 & 2/18/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/2005 has been entered.

### ***Response to Amendment***

2. The applicant's amendment received on 5/25/2005 is acknowledged and entered. Claims 1, 6, 8, 15, 22, 35-39, and 46 have been amended. New claims 47-51 have been added. Claims 1-28 and 35-51 are pending for examination.

### ***Response to Arguments***

3.1. Objection to claim 6 is withdrawn in view of current amendment made to this claim.

3.2.. Applicant's arguments with respect to claims 1-28 and 35-51 have been considered but are moot in view of the new ground(s) of rejection necessitated due to amendment to claims 1, 6, 8, 15, 22, 35-39, and 46 and addition of new claims 47-51 .

The applicant's arguments that the reference Bezos does not teach "agreeing to said first offered price data by transmitting product-related information to the server for storage in a subportion of said plurality of server address, wherein the product-related information includes the first offered price data of the product", are not persuasive.

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See at least FIG.1, col.7, line 51-col.8, line 31, which discloses displaying information about a selected product, such as price inventory, etc and the user shows agreement for accepting this price by selecting it and transmitting this information, which is product-related to a customer "shopping cart". The shopping cart is a customer specific data structure associated with an identification code in the form of a cookie which identifies a specific customer and corresponds to a sub-portion of said plurality of server addresses [ plurality of server addresses refer to plurality customer specific shopping carts stored at the merchant web site] and the selected product information including the offered price, which becomes agreed price data on selection and transmission to shopping cart implies that it is stored in the customer's shopping cart in the server. Also see col.12, lines 19-44 and col.13, line 9-col.15, line 60. The customer's action of selecting a product with the displayed offered price means transmitting a signal of acceptance for that product including the product-related information, that is the first offered price data of the product, and this satisfies the newly added limitations to claim 1. Further, as analyzed above the transmitted signal of acceptance is stored in the "shopping cart" which is a subportion of the server's storage and forms one of the plurality of server addresses for the plurality of customers' shopping carts. Each of these shopping carts has its own identification code in the form of a cookie and they store the customer's selection of displayed products including product-related information such as price information and which is the agreed first offered price data, see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer's transmitted selection of products and the product-

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related information, such as price ( Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer.

The applicant further argues that Bezos does not teach “ changing said agreed price data to a second offered price data in response to an event”. The examiner respectfully disagrees. As analyzed above, the shopping cart stores the transmitted signals of selection of products and product-related information, such as price. Further, see examples illustrated in Bezos (col.15, lines 16-60) the user selects books and store information including price about the selected books in the shopping cart. Bezos allows user to make a change in the selections made earlier and stored in the shopping cart, wherein these changes made to his earlier selections would inherently result to a new offered price data for the changed selection of books.).

As regards the limitations in the newly added claims 47-51, that is, “ agreement to said price is effected by storing said product-related information in said sub-portion of said addresses associated with said server”, Bezos teaches the same because see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer’s transmitted selection of products and the product-related information, such as price ( Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer.

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In view of the foregoing, rejection of claims 1-28 and 35-51 is sustainable on the basis of earlier art of record. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

***Claim Rejections - 35 USC § 102***

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-10, 13, 15-17, 20, 22-24, 27, 35, 36, 37, 38, 39-41, 44 and 46-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Bezos et al. (US Patent 6,029,141), hereinafter referred to Bezos.

Regarding currently amended claim1, Bezos discloses a method, employing a browser in data communication over a network with a server, for determining a price of a product, said server having a plurality of addresses associated therewith (see FIG.1 at least which shows an architecture including reference number "112" a browser, reference number "152" a database including a plurality of addresses in the form of shopping cart data structures and a web site "116" including a server for determining a price of a product) , said method comprising:

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displaying information concerning said product in a browser window, said information including on a first offered price data of said product, agreeing to said first offered price data by transmitting product-related information to the server for storage in said a sub-portion of said plurality of server addresses, wherein said product-related information includes said first offered price data of the product and wherein the sub-portion of said plurality of server addresses are associated with an identification code corresponding to a user of the browser, wherein the agreed to offered price data defines agreed price data (see at least FIG.1, col.7, line 51-col.8, line 31, which discloses displaying information about a selected product, such as price inventory, etc and the user shows agreement for accepting this price by selecting it and transmitting this information, which is product-related to a customer "shopping cart". The shopping cart is a customer specific data structure associated with an identification code in the form of a cookie which identifies a specific customer and corresponds to a sub-portion of said plurality of server addresses [ plurality of server addresses refer to plurality customer specific shopping carts stored at the merchant web site] and the selected product information including the offered price, which becomes agreed price data on selection and transmission to shopping cart are stored in the server. Also see col.12, lines 19-44 and col.13, line 9-col.15, line 60. The customer's action of selecting a product with the displayed offered price means transmitting a signal of acceptance for that product including the product-related information, that is the first offered price data of the product, and this satisfies the newly added limitations to claim 1. Further, as analyzed above the transmitted signal of acceptance is stored in the "shopping cart" which is a

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subportion of the server's storage and forms one of the plurality of server addresses for the plurality of customers' shopping carts. Each of these shopping carts has its own identification code in the form of a cookie and they store the customer's selection of displayed products including product-related information such as price information and which is the agreed first offered price data, see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer's transmitted selection of products and the product-related information, such as price ( Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer.); and

changing said agreed price data to said a second offered price data in response to an event (see at least col.12, lines 19-26, " ..... allows the customer to add the selected product to the shopping cart (described below). The Web server 132 also serves Web pages (including dynamically-generated pages) **that display and allow the customer to edit the contents of the shopping cart**, .... "col.15, lines 16-60 and col.17, lines 30-37, " *The ISBN for each edition (hardcover, paperback, book on tape) is displayed on the detail page for that book.....Remember--you may change which books you list whenever you like. You won't need our permission and it's not even necessary to advise us of the changes--they'll be automatically detected and commissioned properly.* " .

Bezos allows to make changes to their selections stored in the shopping carts and these changes in the shopping carts correspond to an event in response to which the earlier stored agreed price data will change to another or second offered price data. See examples illustrated in Bezos (col.15, lines 16-60) the user selects books and store information including price about the selected books in the shopping cart. Bezos allows



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user to make a change in the selections made earlier and stored in the shopping cart, wherein these changes made to his earlier selections would inherently result to a new offered price data for the changed selection of books.).

Regarding claim 2, Bezos further discloses that the method as recited in claim 1 wherein said event is a predetermined event that includes expiration of a preset amount of time (see at least col.8, lines 2-6, " ..... *each shopping cart persists on the site 106 for an extended period of time [such as one week] following the most recent access by the customer, allowing the customer to conduct extended shopping sessions...* ". The expiration of customer specific shopping cart within a week if the customer does not access it within a week's time to make a change I his selections corresponds to change in data stored due to a predetermined event that includes expiration of a preset amount of time.

Regarding claim 3, Bezos teaches that the method as recited in claim 1 wherein said event is a predetermined event that includes disassociating said information from said sub-portion of said plurality of addresses (see at least col.8, lines 2-6, " ..... *each shopping cart persists on the site 106 for an extended period of time [such as one week] following the most recent access by the customer, allowing the customer to conduct extended shopping sessions...* ". The expiration of customer specific shopping cart within a week if the customer does not access it within a week's time to make a change in his selections corresponds to a predetermined event that includes disassociating said information from said sub-portion of said plurality of addresses because the shopping cart, the data structure which included the earlier information will not exist in the shopping cart database.

Regarding claim 6, Bezos discloses that the method as recited in claim 2 wherein said preset time is in a range of one to ten days (see at least col.8, lines 2-6, " ..... *each shopping cart persists on the site 106 for an extended period of time [such as one week] following the most recent access by the customer, allowing the customer to conduct extended shopping sessions...* " .

Note: The example of preset time "such as one week" falls within the claimed range of 1 to 10 days.).

Regarding claim 35, Bezos discloses that the method of claim 1 wherein said event corresponds to a change in a specification of said product (see at least col.12, lines 19-26, " ..... *The Web server 132 also serves Web pages (including dynamically-generated pages) that display and allow the customer to edit the contents of the shopping cart, ....* "col.15, lines 16-60 and col.17, lines 30-37, " *The ISBN for each edition (hardcover, paperback, book on tape) is displayed on the detail page for that book.....Remember--you may change which books you list whenever you like. You won't need our permission and it's not even necessary to advise us of the changes--they'll be automatically detected and commissioned properly.* " . Note: making changes to their selections stored in the shopping carts implies a change in selection of a book by changing ISBN number or title or a paperback instead of hard cover and such changes correspond to a change in specification.).

Regarding claim 47, Bezos teaches that agreement to said price is effected by storing said product-related information in said sub-portion of said addresses associated with said server ( see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer's transmitted selection of products

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and the product-related information, such as price [ Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer].

Regarding claims 8-10, 13, 15-17, 20, 22-24, 27, 36-41, 44, 46 and 48-51, their limitations are closely parallel to the limitations of claims 1-3, 6, 35 and 47 and are therefore analyzed and rejected as being anticipated by Bezos based on same rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1. Claims 4-5, 11-12, 18-19, 25-26, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe.

Regarding claims 4-5, Bezos as applied to claim 1 teaches a method, employing a browser in data communication over a network with a server, for determining a price of a product, said server having a plurality of addresses associated therewith. Bezos further teaches that his invention though described by way of certain preferred embodiments, such as the products are books, they should not limit the scope of his invention (see at least col.16, lines 43-48). The product in Bezos could cover any item

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other than books as well. It has also been analyzed earlier in claims 1 and 35 that changing said agreed price takes place in response to an event such as change in specifications, that is varying characteristics of the information of the product already stored in the shopping cart that is sub-portion of the plurality of addresses in the web server. However, Bezos does not explicitly disclose that the product information corresponds to an automobile. However, in the field of same endeavor, that is conducting electronic commerce of buying and selling products online, Wolfe teaches displaying information corresponding to characteristics of an automobile (see at least Figs 14-16 and col.10, line 15-col.11, line 24, " ..... *In one example, FIG. 14 generally illustrates an example of a used vehicle search request for an Acura 3.5RL. Clicking on a hypertext link 1402 using a pointing device such as a mouse, or the like, may advantageously display another web page as generally illustrated by FIG. 15..... FIG. 7 illustrates a set of information fields comprising a new vehicle purchase request record according to one embodiment of the invention. Fifteen fields are illustrated comprising new vehicle purchase request identification number 702, submit time stamp 704, dealer identification number 706, vehicle make 708, vehicle model 710, vehicle model year 712, purchase time frame 714, vehicle specifics 716, requested accessories 718, requested aftermarket products 720,*").

In view of Wolfe, it would have been obvious to one of an ordinary skill in the art, at the time of the applicant's invention, to have modified Bezos to incorporate the feature of displaying characteristics of an automobile because it will allow the users to conduct extended sessions for automobile purchases and obtain competitive prices for automobiles , as per their choice, from different online sources, while interrupting the sessions and storing the displayed information on automobiles in the customer specific shopping cart on the web site for some time, such as seven days, which would enable

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them to think over various offers, compare them in order to make an informed purchased decision to purchase or not to purchase an automobile from the convenience of his office desk or home.

Regarding claims 11-12, 18-19, 25-26, and 42-43, their limitations are closely parallel to the limitations of claims 4-5 and are therefore analyzed and rejected as being unpatentable over Bezos in view of Wolfe based on same rationale.

5.2. Claims 7, 14, 21, 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos in view of the reference Franklin.

Regarding claim 7, Bezos, as applied to claim 1, teaches a method, employing a browser in data communication over a network with a server, for determining a price of a product. It has already been analyzed in claim 1 that Bezos teaches that the said information about a product includes information on price (see at least col.7, lines 51-60; information on product price corresponds to MSRP) and that in response to an event such as changing the selection of book will vary this stored price which corresponds to the agreed price data only independently of taxes. Bezos does not explicitly disclose that said information includes taxes associated with a geographic region. However, Franklin, in the field of same endeavor, that is of conducting purchasing and selling products on www teaches that product information includes taxes associated with a geographic region (see at least col.15, lines 12-24, " ..... *The commerce server 130 performs two primary tasks.....retrieves various data items in connection with a*

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*product....price, expiration date, tax, and shipping charges....*". Note: taxes and shipping charges are calculated as applicable for the geographic location, where the item is to be shipped. Franklin teaches collecting the information about the shipping address (see col.15, lines 47-51, "*.....shipping address data 142, all of which has been selectively stored....*"). In view of Franklin, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Bezos to incorporate the feature of including taxes associated with a geographic location, where the goods are to be shipped because , as indicated in Franklin, by providing/calculating the shipping cost information inclusive of taxes before the user decides to purchase the item will enable the user to make an informed purchase decision, specially when this shipping cost may differ from one merchant to another.

Regarding claims 14, 21, 28 and 45, their limitations are closely parallel to the limitations of claim 7 and is therefore analyzed and rejected as being unpatentable over Bezos in view of Franklin based on same rationale.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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(i) US Patent 6,598, 026 to Ojha et al discloses a method and system , "*facilitating a transaction between a buyer and one of a plurality of sellers via the Internet. Product information relating to a plurality of products meeting product criteria specified by the buyer is presented via the Internet. One of the plurality of sellers is associated with each of the products. A first bid from the buyer for a first one of the plurality of products is made available via the Internet to a first seller associated with the first product. A first bid response is presented via the Internet to the buyer according to response criteria specified by the first seller. Where the first bid response is an acceptance of the first bid, consummation of the transaction is facilitated. Where the first bid response is a counteroffer, further negotiation via the Internet between the buyer and the first seller is enabled.*" (Abstract)

7. This is a request for continued examination under 37 CFR 1.114 of applicant's earlier Application No. 09/760061. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
August 6, 2005